

JIM CROW CARS- 1939
ONE-MAN TROLLEY
PROTEST IS FILED

ALABAMA

Greater Street Car Segregation Sought By Whites In Birmingham

(From Yesterday's Final Edition)

Operation of one-man street cars on the Fair Park line, which was started Monday, resulted in a protest by F. J. Jones, attorney, to the City Commission Tuesday. Enforcement of the regulations requiring the separation of races on the cars, also was urged. Commission President J. M. Jones, Jr., said he will take the matter up with officials of the Birmingham Electric Company.

The one-man cars started operation Monday morning, Lindbergh said. He declared that the line is about six miles long and that with the cars carrying from 60 to 90 passengers at a time, one-man operation slows the service.

He declared that the white and Negro passengers enter the same entrances and that with the long cars and crowds Negro passengers are bound to jostle some persons getting to their seats in the rear. He said most Birmingham residents, whether white or black, know how to conduct themselves, but the Jim Crow laws are necessary for the "lunatic fringe." He predicted trouble if the regulations are not enforced.

ENFORCEMENT OF JIM CROW LAW IS URGED

A. F. Lindbergh, attorney, today sought enforcement of Jim Crow laws in his second protest to the City Commission against the installation of one-man street cars on the Central Park line.

In a letter to Commissioner of Public Safety Eugene Connor, Mr. Lindbergh stated that segregation laws were being violated on the line since the new cars which have two entrances but only one operator, were put in service Monday.

"Negro passengers have been asked to move from the white section," he said, "because no separate entrance or section has been provided for them, as the law requires." He predicted trouble unless the situation is remedied.

Petitions Want Two-Man Operation of Cars So Negroes Won't Even Be Able To Pass Through Section Where Whites Sit.

BIRMINGHAM, Ala., Feb. 9—(By Walter Murdock for ANP)—Some weak-minded and racially prejudiced whites, of this city, show their approval of the city's jim-crow laws by filing petitions daily with the city commissioner.

Another protest against what was termed a violation of the city's segregation laws was presented to the Commissioners in a form of a petition by an attorney. The petition was signed by 175 white residents of Birmingham's Central Park section. They asked the city commissioners to demand that the Birmingham Electric company place two-man cars on the Central Park line or provide a policeman to enforce the law requiring separation of races in the cars.

Another attorney appeared to voice his objections to new one-man cars which require Negroes to pass through whites' section on their way to the rear of the car.

Colored citizens have suffered much embarrassment on street cars since these laws were made to affect the Conference of Human Welfare. Many hire a blind taxi to transport from different sections of the city, rather than quarrel and fight with white passengers.

The colored school children are given special cars to be transported to school, for the mixing of the white and colored children has caused bloody fights, when colored boys and girls respond to the insults of the white children.

Whites Ride In Jim Crow Section, Then Complain Of Presence Of Race Silent Treatment Used On Measure, Never Discussed

BIRMINGHAM, Ala., Feb. 24 — (UNP) — Grave council was held by the Alabama Public Service Commission, and officials of the Birmingham Electric company at the City Hall last week.

The portentous item to be discussed was the receipt of a number of complaints which had been received from various citizens of the white race relative to the extreme discomfort caused them when they had been forced in several instances to rub elbows in a crowded bus with members of the darker races.

Involving the South Fifteenth Street bus line, Vinesville cars, and the College Hill bus lines, the outstanding complaints were received from Clement S. Barnes and Atty. A. F. Lindbergh.

That invasion of the Jim Crow section of the street car and buses by whites during rush hours was the cause of all the disturbance was the claim of the president of Birmingham Electric company, J. E. Pevear.

MONTGOMERY, Ala., Mar. 30—(Special)—A bill introduced during the regular session of the Alabama Legislature that recently recessed here, which sought to require the furnishing and use of separate accommodations for white and colored passengers on of legislators, ignored it. Though its enactment into law would have been extremely costly to bus companies, bus line operators had no organized lobby working against it.

One of the first bills to be proposed after the Legislature convened, it remained with the committee to which it was referred, week after week and nothing further was heard of it. Finally it was reported by the committee without recommendation and placed on the calendar there to remain through successive legislative sessions until its "demise" when the lawmakers recessed.

Never at any time did the proposed measure receive the slightest support, even by its author, and the press, with the rank and file

As is often the case with suggested unpopular laws, it passed into oblivion via the "silent treatment" route.

Claims She Was Beaten By Passenger While Going Thru Alabama

Forced to Serve Month At
Hard Labor after Company
Employee Ordered Her Arrest

Jim Crow Case Is Aired

Longest In
Court History

CLEVELAND, O.—(ANP)—A suit for \$50,000 damages, filed here Wednesday by Attorney Alexander H. Martin, for Gertrude Herndon, 21 years, revealed the brutal and inhuman treatment suffered by Miss Herndon at the hands of a white man of the South.

According to the petition Miss Herndon alleges that on September 20, last, here in Cleveland, she purchased a bus ticket to Alabama. On September 26, through the Teche Greyhound Line, she bought a ticket at Tuscaloosa, Ala., boarded a bus at Calbert, Ala., changed at Birmingham to another Greyhound bus.

At that point the trouble started. The driver of the Birmingham bus not only refused to give her a seat but refused to return her ticket so she could get another bus into Nashville. While demanding that the bus driver give her back the ticket, a white male passenger, weighing about 250 pounds told the driver to "put her off the basket."

The petition then alleges that Miss Herndon told the driver to stop the man from molesting her. Then, without warning the man struck Miss Herndon, who weighs only 100 pounds, full in the face and with such force she was knocked out of the bus and to the station floor. The passenger, she says, then kicked her about the face, head and body.

All this time, the driver, she alleges, urged the man on and made no attempt to aid her. Her screams finally attracted a number of persons and after the passenger stopped beating her another company attendant told her: "Shut up, or you'll get another beating."

Then, adding insult to injury, and apparently in an effort to "scare her" into not suing the company she was arrested on charges of disorderly conduct brought by company employees. Without being

JAIL 2 IN DIXIE BUS JIM-CROW

BIRMINGHAM, Ala., Aug. 31.—"Dixie justice," Birmingham style, was meted out in police court last Monday when two Pittsburgh women—Mrs. Odell Moore, 27, and Mrs. Mahalia Webster, 39—were fined \$50 each and given jail sentences of 30 days for alleged violation of Birmingham's segregation laws.

The women were charged with refusing to move to the rear seat of a Dothan-bound bus at they Birmingham terminal on Saturday. Bus driver C. B. Bledsoe called Policeman W. B. Peterson, who arrested the women. In court Judge Henry D. Martin lectured the women, declaring their action was "an obvious attempt to find grounds for a suit against the bus company, or to test the city's segregation laws." He then inflicted the stiff penalties.

BIRMINGHAM, Ala.—(SNS)—

A decision in one of the longest cases in the history of the Police Court was reached last Saturday by Judge Martin in a controversy involving the "Jim crow" law on a bus.

Edward Steel, 23, of 2405 N. 18th Street, well known baseball player, and Wilmer Stitt, 19 of 2420 N. 18th Street, were arrested on December 29, and charged with occupying seats on a bus reserved for white persons. Steel was placed under an additional charge of having an unlawful knife. Both were employed at the American Cast Iron Company.

When the case came to court on Friday, December 30, attorneys for the youths asked that time be given to summon witnesses important to their defense. The case was then set for January 6.

The official charges were violation of state and city "jim crow" laws, prohibiting colored and white persons from sitting together. Attorney William Conway represented the youth who pleaded not-guilty to the charges. Assistant City Attorney Ralph Parker prosecuted the case.

Local Negro leaders immediately bestirred themselves, seeking a parole for the women. Theirs was the second case in which interstate colored passengers have recently been pulled off Greyhound buses and lodged in jail. Mrs. Moore and Mrs. Webster told newswomen that they were confused by the bus driver's instructions, and sat in the last seats of the row, instead of the rear one running cross-wise of the bus.

Jim Crow "Law" Fine Women Who Refused To Give Up Seats on Bus

Nips Two Women

Two Bus Passengers Draw Fines, Sentences

BIRMINGHAM, Ala. — (SNS) — Found guilty Monday, of violating an Alabama segregation law on a bus here, Mrs. Odell Moore, 37, and Mrs. Mahalia Webster, 39, both listed as residents of Pittsburgh, Pennsylvania, were each fined \$50 and given 30-day jail sentences. Judge Henry Martin was the presiding judge.

The two inter-state women passengers were reported taken from the Dothan, Alabama-bound bus at Birmingham bus depot Saturday and arrested when they refused to "move" back to the long bench-like seat in the rear of the vehicle in which they were traveling.

G. R. Bledsoe, bus driver, is said to have called the officers when the pair is reported to have refused to take a rear seat in the bus while it made its stop at the Birmingham bus terminal Saturday. The manager of the bus depot denied that the bus driver called the police.

Judge Martin lectured to the women, saying their action was "an obvious attempt to find ground for a suit against the bus company or test the city's segregation laws."

Colored leadership late Monday began scanning plans to have the colored women paroled to keep them from serving a jail term.

The two women were released Saturday on bond of \$300 each and scheduled to be tried in Recorder's Court Monday morning.

The manager of the bus station said the women were asked back and wouldn't move back to the back seat and that two police officers present overheard the bus driver pleading with the two women to move back because they didn't understand conditions down here and made arrests on violation of the segregation law.

The two women were reported as saying they were told to take

BIRMINGHAM, Ala. — (ANP) —

A case almost as revolting and nauseating as the recent one in which a colored woman was adjudged guilty of "disorderly conduct" and fined \$15 because she addressed a colored woman friend as "Mrs." over the phone, was revealed here last week.

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Bus driver C. Bledsoe called Police W. B. Peterson, who arrested the women.

In court, Judge Henry D. Martin lectured the women, declaring their action was "an obvious attempt to find grounds for a suit against the bus company, or to test the city's segregation laws." He then inflicted the stiff penalties.

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Mitchell Case Ghost To Rock Island Lines

CHICAGO—(ANP)—In a letter sent to C. L. Townes, secretary of the National Negro Insurance Association, regarding the annual insurance convention to be held next summer in Los Angeles, Harry H. Pace, president of the Supreme Liberty Life Insurance Co., advised against the use of the Rock Island railroad by any person expecting to attend the convention.

In his communication Mr. Pace says, "I think it is important that we do not use the Rock Island lines in any way whatsoever and that we let the Rock Island people know the reason why we do not use them. You will recall that it was the Rock Island railroad that jim-crowed Congressman Mitchell on his way to Hot Springs from Chicago, and they fought this case very bitterly before the Interstate Commerce commission, resulting in the handing down of a decision which establishes the principle of jim-crow on railroads."

The insurance executive further says, "I have found that this has been the practice of the Rock Island railroad for years and that they will not give pullman accommodations into Hot Springs or into any place else to colored people. I happen to know that the Missouri Pacific, which also runs from Memphis to Hot Springs and which runs from St. Louis to Hot Springs, does and will give pullman accommodations to interstate passengers without objection."

"It seems to me, therefore, that we ought to very definitely refuse to patronize any railroad or any other agency that has as a part of its principles discriminatory practices. I am, therefore, protesting against the use of the Rock Island lines by any member company or by any delegates or any other person to our convention."

PLEA OF NEGRO DENIED BY I. C. C.

WASHINGTON—(P)—The Interstate Commerce Commission refused Saturday to reconsider its decision dismissing a complaint by Representative Mitchell (D., Ill.) against the Chicago, Rock Island & Pacific Railway in which he alleged racial discrimination.

The complaint grew out of a trip Mitchell made from Chicago, Ill., to Hot Springs, Ark. Mitchell, only Negro member of Congress, purchased a first-class ticket and after his train entered Arkansas, he was required, he said, to leave the Pullman and make the remainder of the trip in a "jim crow" coach.

The railroad's defense was that it was complying with Arkansas' race segregation law in requiring Mitchell to ride in a "jim crow" car, instead of the Pullman.

The I. C. C. dismissed Mitchell's complaint several months ago. He followed this with a plea for reconsideration.

Solutions of a new soap preparation are sprayed on metals, allowed to remain a few minutes to absorb all grease and dirt and then removed with a stream of water under pressure.

Birmingham Ala News
March 19, 1939

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Mitchell Appeals Rail Case

Petition Has 49 Pages Of Exceptions

CHICAGO—(ANP)—Congressman Arthur W. Mitchell of Chicago's First District this week continued his fight against the Jim Crow practices of railroads in Southern states, when through his counsel, Richard E. Westbrook, of Chicago, he filed a petition on Thursday in U. S. District Court here.

The Congressman sued the Rock Island and Illinois Central Railroads and the Pullman Company for indignities suffered some months ago when, enroute from Chicago to Hot Springs, Ark., he was forced to leave the first-class car and ride in the Jim Crow coach, despite the fact he had a first-class ticket. Latest decision in the case was an adverse ruling by the Interstate Commerce Commission.

HAS 49 PAGES

On Thursday, Attorney Westbrook filed a 49-Page Petition attacking the report of the Interstate Commerce Commission which dismissed the Congressman's complaint. The case received the number 500-in equity, and was placed on the "Three Judge Calendar."

This is a special proceeding and is said to be the first case involving race discrimination to be filed in the United States District Court and coming under this special court procedure.

The petition alleges fifteen reasons why the order of the Commission should be set aside and alleges that: "the findings and orders of the Interstate Commerce Commission are erroneous, invalid, unlawful and void, and are contrary to the facts, the law and the

Constitution; that the order and findings are contrary to the Enforcement Acts and the Fourteenth Amendment to the United States Constitution, and that the order and findings of the Commission are in conflict with former decisions of the Interstate Commerce in cases involving the identical situation; that the order and finding are arbitrary and unjust."

ORDER CITATION

Citation was ordered against the United States, the Rock Island, the Illinois Central Railway and the Pullman Company, to appear and defend, and the United States Marshall was directed by Attorney Westbrook to make service at once.

CONG. MITCHELL FIGHTS RULING IN R. R. CASE Takes Case to U. S. District Court

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WOMEN SUE BUS COMPANY FOR \$50,000

Los Angeles, Pa
LOS ANGELES, June 22—Suit for \$50,000 was instituted against the Pacific Greyhound Bus Lines in Superior court of Los Angeles County this week by Mrs. Juanita Smith and Mrs. Van Williams, both widows of Los Angeles and Palm Springs.

Said suit is the result of a terrifying experience happening on a coach of the Pacific Greyhound Bus lines during February, 1939. While passengers aboard the bus, Mrs. Smith and Mrs. Williams were grievously insulted by an intoxicated white passenger.

STREET-CAR, BUS PATRONS URGED TO REPORT INSULTS

John
Major D. B. Wills, special assistant to the president of the Capital Transit Company, promised the District branch of the N.A.A.C.P. this week that he will fully investigate all discourtesies and insults to patrons by the company's employees. *10-7-39*

Major Wills's statement was in answer to a complaint registered by John Lovell, Jr., secretary of the District branch, on behalf of a passenger who, it was reported, was abused by a Capital Transit motorman. Report of the incident was made by Mrs. G. E. Turner, of 1439 T Street, Northwest.

The official requested that he be informed at once of every act of discourtesy or insult by any of his employees. The District branch is prepared to handle all these complaints. Persons who receive questionable treatment from operators on street cars or buses should bring all details, including names and addresses of witnesses, to the office of the N.A.A.C.P., 1011 U Street, Northwest.

Citizens to Fight R. R. Jim-Crow Laws in South

Following the commendable example of Chicago's U. S. Representative Arthur W. Mitchell in fighting Jim Crow practices of railroads in southern states, two prominent men in different sections of the country last week filed suit for damages against railroads for violation of their rights as American citizens.

In Houston, Texas, Dr. W. L. Davis, civic, fraternal and educational leader and principal of Harper Junior high school, filed suit in District Court for \$5,000 damages against the Burlington and Rock Island railroads for forcing him to ride in a baggage car, en route, Houston to Corsicana, Texas.

Davis said he held a round-trip ticket, that he boarded the Texas Rocket and took a seat in the section he believed reserved for colored passengers. Soon after the train left Houston he was told by a train official he was in the "white" car, that there were no accommodations for colored on the Rocket and that he would have to move forward to the baggage car which also houses the Diesel power plant that propels the streamlined train.

Davis says the baggage car was filled with crates, barking dogs and other paraphernalia. His suit marks the second against the railroads by colored passengers. Mrs. Marjorie Stewart Joyner, president National Beauticians' League threatened suit for being made to ride in a baggage car containing a corpse, while en route, Houston to Tulsa, Okla. Later, through her attorney, Mrs. Joyner said she had accepted a settlement (amount undisclosed), out of court and that the suit had been dropped.

Last week, here in Chicago, suit for \$50,000 damages was filed against the Santa Fe Railroad and the Pullman Company by Carl Hansberry, who charges he contracted illness and suffered hu-

miliation when forced to ride Jim Crow, en route from Kansas City to Arkansas City, Kansas. He said he had purchased a first-class ticket from Chicago to Ardmore, Okla., home of the late Will Rogers, famed comedian.

Hansberry is former president of the Chicago Branch NAACP, a prominent real estate and apartment house owner. About a year ago he purchased a home in the "white" section of Woodlawn and immediately became the target of law suits filed to prevent his occupancy of the property. Basis of the suits were the "restrictive covenant" clause of deeds to property of that district, which specifies that the property shall not be sold to Negroes.

Negro Insurance Men Plan Boycott of All Rock Island Railways During Summer

Pace Advises Association Members to Remember
Congressman Mitchell's Jim Crow Suit

Convention To Be Held In Los Angeles

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Mitchell's Fight

We were glad to hear of the announcement made by Congressman Arthur W. Mitchell, that he intends to make a request for a rehearing before the Interstate Commerce Commission of the Mitchell vs. Rock Island Jim Crow case.

The jim-crowing of Negroes by the railroads in the south is one of the most damnable curses and abuses of personal privilege in the United States. It is unlawful, unconstitutional, inhuman and uncalled for. It is a downright demonstration of ignorance and lack of moral courage for the right thing to be done.

Any Negro man or woman who has travelled below the Mason and Dixon line ought to gladly support Congressman Mitchell in this fight, because it is not just his fight, but a fight for the Negro race to be treated and respected as citizens. Mitchell's fight does not call for the privilege of members of our race to occupy seats beside whites or to even ride in the same car, while there is certainly nothing wrong with that. Mitchell's fight is for EQUAL ACCOMODATION. Recently he introduced a bill in the House of Representatives calling for an amendment to the Interstate Commerce Act that would make it "unlawful to segregate any persons traveling as interstate passengers on any common carriers" subject to the provisions of the Transportation Act and such companies violating the provisions of the Act are to be punished.

Congressman Mitchell has a clear case of racial segregation and discrimination because of color similar to the famous Gaines case and there is no reason why he should not win. With the help of organizations throughout

this nation, there is no reason for losing. To us a fight against the "Jim Crow" car is just as important as the Gaines case. There are plenty law schools that Negroes can attend, but the only way to travel by common carriers in the South is on the jim crow car. Now that the Gaines' case has been won, let us join Mitchell and help destroy the jim crow car.

Believes Ownership Of Railroads By Government Would Destroy Jim Crow

While there has never developed a strong movement for government ownership of the railroads in the United States, the American Federation of Labor and any number of railroad unions have gone on record favoring such operation and control.

Moreover, the issue has been casually treated by school masters, by progressive laymen on street corners, and even in United States Congress. Although no strong movement has developed around the issue, even though the government took over the railroads during the war, it is not unlikely that such a movement will develop in the future and soon.

Topic Discussed

The benefits that might accrue to the worker, the farmer, and the traveling public, in improved labor standards and reduced costs, plus more efficient operation have been discussed elsewhere. Here, we want to discuss government ownership and its likely effects upon the black workers and our people in general.

At a conference of Race members in the Railroad Industry, headed by A. Philip Randolph, that body went on record favoring government ownership of the railroads. The full implications of such an outlook in so far as the Race in the industry and our people are concerned may not yet be entirely realized.

In the railroad industry exists the sharpest form of discrimination against the black worker. Indeed, the railroad industry is the stronghold of reactionary "leadership" in the labor movement. Its closest rival is the "leadership" in the building trades. All unions in the railroad industry excepting those whose membership in the industry is predominantly Negro, have color bars. The prevalence of discrimination maintained by these shortsighted organizations has resulted in a sharp reduction of the proportion of our Race in the industry.

Jobs are lost by the wholesale. Moreover, discrimination has relegated the Race to the lowest paid positions in the industry, so much so that a recent report of the Rail-

road Retirement board showed the average earnings of Race members in the Railroad Industry to be a little less than the average for whites. It is not unlikely that under government ownership this situation would be changed with pressure that could be exerted by our people and progressive whites. In the Post Office we get a clue as to what might happen. While discrimination is still practiced here, it is not as sharp and is subject to pressure.

Another aspect to the question of discrimination in the railroad industry is the jim-crowism practiced against the dark traveling public in the South, a question that affects all democratic Americans. The railroads ignore entirely the law requiring accommodations for our Race and are notorious for the filthy conditions and the intimidations under which we are forced to ride in the South. It is not unlikely, and highly probable that under government ownership the opportunity to end jim-crowism and intimidations, with attendant filthy conditions of travel, would be greatly increased.

The attitude, therefore, taken by the Conference of Negroes in the railroad industry, not only becomes one in the interest of labor, the farmer and the traveling public, but railroaders of our Race and the entire Race as well.

South Fears Move

This attitude is in contrast to two or three of the unfortunate Southern Brothers at the recent convention of the Brotherhood of Railway Trainmen. They opposed Government ownership on the grounds that it would mean "Negro trainmen in the South." It is likely that it would. And he might have added that it would mean the end of undemocratic jim-crowism against black people on trains in the South. Both of these results are desirable

and expected under a true democracy. Yet, our unfortunate southern brothers from the Trainmen would throw over all of the benefits that might accrue to the American people as a whole under government ownership of the railroads because it would carry with it benefits to the black people.

The action of the Conference on Negroes in the Railroad Industry should receive the endorsement and support of all Race folk and progressive Americans. Government ownership of the railroads, looked at from present trends and from the point of view of extending democracy in the economic sphere, is soon to be the order of the day. When that day comes, everywhere should our Race sing hosannas and help give so important a public service as the railroads to the American people as a whole.

Mo. Pacific to Improve Service For Negro Patrons

TUSKEGEE, Oct. 12 (ANP)---
In response to a complaint made
by Alton L. Holsey, secretary of
the National Negro Business lea-
gue, that inadequate toilet facili-
ties for Negro patrons were avail-
able on one of the main lines of
the Missouri Pacific Railroad, T.
D. Moss, assistant general passen-
ger agent, after an investigation,
states:

"I am pleased to advise that
our investigation has not been
completed and the proper correc-
tive measures taken to definitely
eliminate future complaints of
this type.

"We are of course grateful for
your having called this matter to
our attention as your letter was
the means of our making a needed
service improvement."

In his letter of complaint, Mr.
Holsey stated that on a coach trip
on August 16, between Houston
and Little Rock, he observed that
only one toilet was available for
eight colored women and nine
colored men who were passen-
gers.

Mitchell Continues Fight In Rock Island Railroad Jim Crow Case; Ask Rehearing

New Plea Cites Decision of High Court Giving Equal Rights to Interstate Passengers

"McCabe vs. Santa Fe" Cited As Precedent

WASHINGTON, D. C.—(ANP)—Congressman Mitchell through his attorney, Richard E. Westbrooks, last Monday filed a petition for rehearing and reargument before the Interstate Commerce commission containing more than 50 pages filled with decisions of the United States supreme

court, circuit of appeals, and the various circuit and district courts and all previous decisions rendered by the Interstate Commerce commission concerning race discrimination.

The petition pointed out all of the decisions that where an interstate passenger pays a first-class fare he is entitled to all first-class services, facilities and accommodations furnished by railroad companies to all other persons paying a first-class fare, and that a denial or refusal of a common carrier engaged in interstate traffic to furnish such first-class accommodations and facilities is unlawful and unjust discrimination, and violates the constitution of the United States, the enforcement act passed by congress to enforce the provision of the 14th amendment and the Interstate Commerce act which prohibits against passenger or property of the same class being conveyed in interstate commerce.

The petition sets for the law as laid down by the U. S. supreme court in McCabe vs. the Santa Fe Railway, in which Justice Hughes states: "That any separate coach act of the several States must be construed as applying to transportation exclusively intrastate, and that this question had been settled as the law governing interstate passengers."

The petition claims that the contractional right of the congressman was violated by the Rock Island Ry. Co., and cites a case decided by the supreme court in 1887, Hall v. DeCuir, in which case the supreme court holds: "That an Interstate passenger has a right to require such accommodation as he has contracted for."

Many cases are cited from the federal courts which hold: "That common carriers are bound to provide for colored passengers holding first-class tickets, accommodations precisely equal in all respects to those provided for white passengers holding similar tickets."

Beginning with 1882, the petition cites cases in which this principle of law has been consistently upheld. The earlier cases are decided in Ohio, Tennessee, Texas and Maryland. All previous decisions of the commission have followed the principle laid down in the Council case decided in 1887 by the commission, and which held: "Where colored people purchase first-class tickets they must be furnished with accommodations equally safe and comfortable as all white passengers paying a first-class fare and where a colored person is denied such accommodations, that is a violation of the law."

ored interstate passenger hold-in the McCabe case which was ing a first-class ticket is com-carried up from Oklahoma. It pelled to ride in a Jim Crow car was followed in the Buchanan for any part of his journey, that case which held a segregation or the colored passenger has been linance of Kentucky unconstitutional. unduly discriminated against in regional.

violation of the Commerce act." This principle was followed by the supreme court in December, 1938, when the court held that interstate passengers with accommodations equal in comfort and gal education within the state of safety was no more than fair Missouri equal to the legal education furnished by the state to white students, and the fact that only one colored student had applied for admission to receive the same kind of legal education was no grounds for refusing it to him, and that such refusal violated the 14th amendment.

The various achievements of colored citizens since 1887 are recited in the petition. The question is asked of the commission that if a white citizen had been subjected to the same discrimination as the evidence shows the congressman suffered, would the commission hold that such discrimination was not unjust?

The point is further raised that the commission should not condone a practice of discrimination, which is admitted by the Rock Island company, when such practice openly violates the 14th amendment and all acts of congress passed to enforce this amendment, and also violates the plain provisions of the Interstate Commerce act.

If the commission refuses to grant a rehearing and reargument, Congressman Mitchell has instructed his attorney to carry the fight against discrimination into the federal court in Chicago, which will be composed of one judge of the circuit court of appeals and two district court judges, and if necessary then to carry the fight to the United States supreme court.

The petition further shows that the supreme court has repeatedly held that volume of traffic cannot be used as the basis for discrimination. This principle of law was first announced by the supreme court

of a common carrier engaged in interstate traffic to furnish such first-class accommodations and facilities is unlawful and unjust discrimination, and violates the constitution of the United States, the enforcement act passed by congress to enforce the provision of the 14th amendment, and the Interstate Commerce act which prohibits unjust discrimination against passenger or property of the same class being conveyed in interstate commerce.

SUPREME COURT CITED

The petition sets forth the law as laid down by the U. S. Supreme Court in McCabe vs. The Santa Fe Ry., in which Justice Hughes states:

"That any separate coach act of the several states must be construed as applying to transportation exclusively intrastate, and that this question had been settled as the law governing interstate passengers."

The petition claims that the contractional right of the congressman was violated by the Rock Island Ry. Co., and cites a case decided by the Supreme Court in 1887, Hall v. DeCuir, in which case the Supreme Court holds:

"That an interstate passenger has a right to require such accommodation as he has contracted for." Many cases are cited showing that this case has been followed as the law since 1877.

FEDERAL RULING

Various cases are cited from the federal courts which hold:

"That common carriers are bound to provide for colored passengers holding first-class tickets, accommodations precisely equal in all respects to those provided for white passengers holding similar tickets."

Beginning with 1882, the petition cites cases in which this principle of law has been consistently upheld. The earlier cases are decided in Ohio, Tennessee, Texas, and Maryland.

All previous decisions of the commission have followed the principle laid down in the Council case decided in 1887 by the commission and which held:

"Where colored people purchase first-class tickets they must be furnished with accommodations equally safe and comfortable as all white passengers paying a first-class fare and where a colored interstate passenger holding a first-class ticket is compelled to ride in a jim crow car for any part of his journey, that the colored passenger has been unduly discriminated a-

**Rep. Mitchell
Seeks Hearing
Before ICC
Basis of Ruling
In Railway Case
Is Contested**

WASHINGTON, D. C.—Congressman Arthur W. Mitchell through his attorney, Richard E. Westbrooks, has filed a petition for rehearing and reargument before the Interstate Commerce Commission, containing more than 50 pages filled with decisions of the United States Supreme Court, Circuit Court of Appeals, and the various circuit and district courts, and all previous decisions rendered by the Interstate Commerce Commission concerning race discrimination.

The petition, filed January 23, pointed out all of the decisions held that where an interstate passenger pays a first-class fare he is entitled to all first-class services, facilities, and accommodations furnished by railroad companies to all other persons paying a first-class fare, and that a denial or refusal

gainst in violation of the Commerce legal education was not grounds for act."

HELD ONLY FAIR

The commission held that to require common carriers to furnish interstate passengers with accommodations equal in comfort and safety was no more than fair dealing and common honesty.

The commission in the Council case laid down the law as follows:

"The equality of civil and political rights and equal protection of the laws without discrimination (except for misconduct or crime) are subjects not open for discussion. They are fundamental principles of government and jurisprudence. Whoever attempts to deny these principles in their just application puts himself in antagonism to the established law of the land."

The various achievements of colored citizens since 1887 are recited in the petition. The question is asked of the commission that if a white citizen had been subjected to the same discrimination as the evidence shows the congressman suffered, would the commission hold that such discrimination was not unjust?

The point is further raised that the commission should not condone a practice of discrimination, which is admitted by the Rock Island Company, when such practice openly violates the 14th amendment and all acts of Congress passed to enforce this amendment, and also violates the plain provisions of the Interstate Commerce act.

PLANS TO FIGHT

If the commission refuses to grant a rehearing and reargument Congressman Mitchell has instructed his attorney to carry the fight against discrimination into the Federal Court in Chicago, which will be composed of one judge of the Circuit Court of Appeals and two District Court judges, and, if necessary, then to carry the fight to the United States Supreme Court.

The petition further shows that the Supreme Court has repeatedly held that volume of traffic cannot be used as the basis for discrimination.

This principle of law was first announced by the Supreme Court in the McCabe case which was carried up from Oklahoma. It was followed in the Buchanan case which held a segregation ordinance of Kentucky unconstitutional.

This principle was followed by the Supreme Court in December, 1938, when the court held that Lloyd Gaines was entitled to a legal education within the state of Missouri equal to the legal education furnished by the state to white students, and the fact that only one colored student had applied for admission to receive the same kind of

To Displace Meyer As Member of I. C. C.

WASHINGTON, D. C., Feb. 2—President Roosevelt moved last Monday to displace Balt-

hasar H. Meyer, one of the members of the Interstate Commerce Commission, who concurred in the majority opinion refusing to order railroads to desist from racial discrimination in the Jim Crow States.

RAILROAD DISCRIMINATION

A recent trip by the writer through the South by railroad revealed what we consider some improvement in the service rendered colored travelers by the railroads in that section of the country compared to the services which were generally prevalent prior and up to three years ago. But as far as equal accommodations are concerned, based upon the class paid for by the traveler, such equal accommodations might be regarded as a misnomer; they just don't exist. No one who will take the time to observe conditions on the railroads throughout the South can help but see the difference at a glance. And, so far as we were able to ascertain, no effort has been made on the part of the railroads to really equalize the separate but "equal" accommodations. In fact, the whole Jim Crow set-up is a part of a vicious system which is a hangover from the days of slavery that has the acquiescence of both the law makers and the railroads.

Of course it is true that Congressman Arthur W. Mitchell of Illinois has a suit before the United States Supreme Court on this Jim Crow question and there is little if any doubt but that he will win. Success in this case will help the whole situation some, but we do not believe it will cure it. In order to kill old man "James Crow" on the railroads it will be necessary to remove his image, in the forms of the "colored" signs, from the station waiting rooms along the railroad route as well as in the coaches. The word "colored" carries the full force of its traditional meaning of unfair accommodations, particularly when it comes to railroads.

Sometime, somewhere, someone must attack the sign "colored" which designates a certain place in public accommodations for a certain race or a certain group. That really is an insult to any people. We understand that there are signs of a similar nature in Germany in reference to the Jews, but it would make no difference if the signs were in Jerusalem designating certain places for certain racial groups in public places, it would still be the same.

We think that the matter which must be brought squarely before the United States Supreme Court is that any PUBLIC place where the public is served for pay can not discriminate against the citizens because of race. Of course this does in no way interfere with a man's private life. If he does not wish to come in contact with a certain group in public places it is his privilege to stay away and find accommodations elsewhere.

Two citizens, one white and the other black, were conversing in a railway coach, traveling from New York to Memphis, Tennessee. When they arrived at Evansville, Ind-

iana, and crossed the Ohio River into Kentucky, the train attendant by a little twist of the finger flashed the word "colored" which in itself stopped the conversation between the two citizens. They were allowed to continue on the same train but there was a "No Man's Land" created by this sign so far as the white and colored persons were concerned. There was no place on the train that they could continue their conversation with each other without violating the so-called state law which prohibits colored and white from riding in the same coach. In our judgment, such a thing was a clear violation of the Fourteenth Amendment to the Federal Constitution. It certainly is a restriction of the natural social intercourse of one citizen with another and is against public policy.

If a suit to break down such restrictions were filed in the lower courts and if the plaintiff were unsuccessful there surely the higher courts would offer relief.

Well Known Savannah Nurse Forced Off Bus On Broughton St. By Driver

How Miss Flora Wilson, socially prominent nurse, who lives at 511 West 40th street was insulted at West Broad and Broughton Sts. by a Savannah Electric Bus driver at 7:30 Friday morning and later forced off the bus, was told a Journal reporter last night.

According to reliable sources Miss Wilson took a vacant seat in the bus, all the other seat being filled with colored passengers, and was told by the bus driver that if a white woman got on she would have to get up. Miss Wilson told the driver that she knew the rules and felt that she was within her rights.

When the bus had gone a block farther a white woman got on, and the driver ordered Miss Wilson to get up. She protested, claiming that she had paid for the seat and didn't see why she should stand up just to let someone else sit down.

The driver is then alleged to have handed her the fare back and stopped the bus, opening the door for her to get off.

It is reported that Miss Wilson has retained a lawyer and a suit will be entered against the Electric Company.

Ministers Will Push Jim Crow Investigation

The Atlanta Interdenominational Ministers' Alliance went on record Tuesday as condemning "jim crow" accommodations given at a local bus depot and preparing to take up the matter with Washington, D. C., commissioners, as officers for the new year were elected.

The Rev. D. T. Murray, pastor of Radcliffe Memorial Presbyterian Church, was re-elected as president. Other officers for the new year included: Father H. J. C. Bowden, vice president; the Rev. J. A. Baxter, secretary; the Rev. G. H. Carter, assistant secretary; the Rev. A. F. Bailey, treasurer, and the Rev. John C. Wright, critic.

Installation of officers is scheduled for the West Mitchell Street C. M. E. Church, February 10. Bishop W. Y. Bell, prelate of the Georgia C. M. E. church, will be speaker for the occasion.

In condemning "jim crow" accommodations at a local bus depot, members pointed out that the Atlanta waiting rooms are very filthy and seats too limited.

President Rufus E. Clement of Atlanta University was present and brought greetings to the alliance. Among other things he commended the group on the Sunrise Easter Services held last year in the University Bowl. He extended an invitation to the body for repetition of the services there this Easter morning, April 9. A special committee was appointed to work out details of the program.

Claims She Was Beaten By Passenger While Going Thru Alabama

Forced to Serve Month At Hard Labor after Company Employee Ordered Her Arrest

CLEVELAND, O.—(ANP)—A suit for \$50,000 damages, filed here Wednesday by Attorney Alexander H. Martin, for Gertrude Herndon, 21 years, revealed the brutal and inhuman treatment suffered by Miss Herndon at the hands of a white man of the South.

According to the petition Miss Herndon alleges that on September 20, last, here in Cleveland, she purchased a bus ticket to Alabama. On September 26, through the Teche Greyhound Line, she bought a ticket at Tuscaloosa, Ala., boarded a bus at Calbert, Ala., changed at Birmingham to another Greyhound bus.

HAD NO SEAT

At that point the trouble started. The driver of the Birmingham bus not only refused to give her a seat, but refused to return her ticket so she could get another bus into Nashville. While demanding that the bus driver give her back the ticket, a white male passenger, weighing about 250 pounds told the driver to "put her off the basket."

The petition then alleges that Miss Herndon told the driver to stop the man from molesting her. Then, without warning the man struck Miss Herndon, who weighs only 100 pounds, full in the face and with such force she was knocked out of the bus and to the station floor. The passenger, she says, then kicked her about the face, head and body.

All this time, the driver, she alleges, urged the man on and made no attempt to aid her. Her screams finally attracted a number of persons and after the passenger stopped beating her another company attendant told her: "Shut up, or

SERVED MONTH

Then, adding insult to injury, and apparently in an effort to "scare her" into not suing the company, she was arrested on charges of disorderly conduct brought by company employees. Without being given a chance to get a lawyer, she was tried, found guilty and forced to serve more than a month at hard labor in the workhouse.

Here in Cleveland, Miss Herndon has been under constant medical care since returning home. Co-defendants in her suit to recover \$50,000 are the following: The Greyhound Bus Lines, the Penn Greyhound Lines, the Greyhound Corporation, the Teche Greyhound Lines and the Pennsylvania Railroad, all with offices at 920 Superior avenue.

St. Louis Actress, Refused Dining Car Service: May Sue

Miss Lou Swarz and Friend Tell of Incident

Say Waiters On L. & N. Line Gave Them Run-Around

Wins \$3,500 Judgement From Greyhound Bus Co.

ST. LOUIS (AP)—Humiliated and made ill by being refused service in the dining car of a Louisville and Nashville train while returning from the Beta Phi Beta boule in Atlanta, Miss Lou Swarz, prominent school teacher and actress and her companion, Miss Jessie Housley, have taken their case to a local lawyer who is planning suit against the railway company.

According to both young women, they were compelled to have a doctor treat them at their homes for two days following the incident.

Compelled to buy coach tickets from Atlanta on the Southern, they say they changed trains at Evansville, Ind., where they took the L. & N. for St. Louis. Although a train butcher boarded the train with sandwiches and coffee, they charge he never came into the colored coach between Atlanta and Evansville.

When the diner was attached in the morning, they entered the car and were met at the door by the waiter-in-charge, William Frizzar, who informed them, they allege, that under no circumstances could he serve colored and white at the same time nor have them served in the diner; but would serve their breakfast in the colored coach.

Knowing they were above the Maxon and Dixon line, both women took seats and remained at their tables for more than an hour, they allege. No attention was paid them by the waiters.

BOUGHT PULLMAN TICKETS

At long last one waiter approached and told them he would send their breakfast to them if they would purchase Pullman seats. At a cost of \$6.50 they did so. Breakfast was brought to them, but so long had they been without food and so upset had they been made that they were unable to retain their food on their stomachs after

eating.

When the train entered Illinois, they attempted to get luncheon, but were met with the same firm refusal and allege they were told by the waiter-in-charge that when all the whites had finished, he would come for them, but he could not serve them while whites were on the diner.

He returned to their seats in the Pullman about 11:30 and told them they could be served now, but since the train was due in St. Louis at 11:53, they advised him they would not be able to rush their luncheon and finish by the time they arrived in St. Louis.

They consulted their lawyers after being treated for their illness by a doctor.

As a result of the Gaines decision in the same state, it is expected some definite action will be taken in this case.

Last April when the Greyhound bus lines sold Claude Johnson, 517 East Thirty-third street, a ticket from Chicago to Los Angeles, it

was not aware that the transaction between passenger and company would be so costly. So far it has

cost the Greyhound lines \$3,500 in actual damages and about a similar amount in worry and counsel fees.

Johnson, through Attorneys Rufus Sampson and Henry C. Ferguson, associate counsel, filed suit last June for \$25,000 damages against the Illinois Greyhound lines and its connecting carriers in the Circuit court of Cook county.

Recently the case came to trial before Judge Michael Feinberg after Johnson's attorneys had gone through a labyrinth of legal entanglements to serve papers on the Greyhound corporation which has many involved managements.

The suit grew out of an arrest and beating that Johnson underwent in Blytheville, Ark., when he advised the bus driver "to hold his horses" until the porter, who had gone for ice cream could return to the carrier. The driver, a Southerner, objected to the remark and went after Johnson with a lug wrench, but was restrained by other passengers.

When the bus reached Blytheville, the driver called police and ordered Johnson arrested. He was detained six hours and robbed of \$20 by the officers before they would grant him freedom. The officers and the driver who were brought to Chicago to testify admitted the truth of Johnson's statement under cross examination.

In rendering the verdict in favor of Johnson, Judge Feinberg said:

"Of course, the \$3,500 is punitive damages; such damages are allowable in Illinois, and the circumstances in this case are such that justice would demand that a bus company whether traveling in Arkansas or Illinois should be careful to employ servants who can be educated to know that colored people are human beings and that they are entitled, under our system of government, to the same treatment as any other human being, and that no colored man can be assaulted nor threatened with severe bodily injury for the sort of statement that should not have offended any type of servant that this bus driver typified or represented, it was better that the bus company be penalized by punitive damages to the end that it would set an example for the future that unfortunate colored people may not be so treated by their servants."

The judge overruled motion for a new trial and motion in arrest of judgment. The bus company was ordered to post a bond of \$4,000 pending an appeal to a higher court.

Sues Bus Co. For \$20,000

On or about April 19, 1939, a suit was filed by Rev. Donah Dobin (white), by Adams and Martin, her attorneys, against the Chicago Motor Coach company, in the Circuit Court of Cook county, for \$20,000.00, for alleged injuries which she received while attempting to alight from number 3 Bus, on South Parkway.

The plaintiff alleges that the motorman closed the door too quickly and caught the clothing of Reverend Dobin and suddenly and violently, without notice or warning to the plaintiff, started the bus forward with a sudden

jerk, while her clothing was still caught in the door.

The plaintiff was thrown to the ground and dragged for several feet before she was able to attract the attention of the bus driver, it was charged. She received injuries to her head, neck, shoulders, back and spine and has suffered from the injuries for some time. She is asking damages in the sum of \$20,000.00 in her suit.

Mrs. Edna Foster To Trial In \$3,000 Suit Against Bus Company

_____ nercial teacher. At present she is
employed on a WPA project at Gen-
the Public Service company opened
on Monday, April 3, in division two
of the Wyandotte County district
court before Judge Willard M. Ben-
ton.

Plaintiff in the case is Mrs. Edna
B. Foster, 2021 Montgall avenue,
who formerly lived in Kansas City,
Kansas, and was residing at 2801
Sloan avenue on December 19, 1935,
when she received injuries in an ac-
cident while riding on a Quindaro
bus, facts in her case revealed.

On the witness stand, examined
by her attorney, Fred White, Mrs.
Foster testified she received bodily
injuries which caused her to remain
at Douglass hospital, from the date
of the accident until April of 1936.

She stated that she had sustained
permanent injuries as a result of
the accident, which occurred on a
bus about 5 o'clock on the evening
of December 19, when the bus driver
was forced to make a sudden stop
in an effort to escape hitting a mo-
tor car that had started to pull out
from a curb at Eighteenth street and
Quindaro boulevard.

Mrs. Foster said she was thrown
forward in her seat and her head
struck something hard, lacerating
her forehead and rendering her un-
conscious and leaving her with eye
trouble. She testified that she re-
mained in that condition for several
months. She stepped from the wit-
ness seat, upon the request of her
attorney, to show the jury a scar on
her forehead.

This is a second trial of this case
in the first trial during December
before Judge E. L. Fischer, a jury
was hung.

Mrs. Foster is a former librarian
of Western university, where she
had served also as an assistant coach.

Rayville, La., News
June 10, 1939

State Expands Jim Crow Law

Separate Facilities Must Be
Provided On Lines Under
P. S. C. Jurisdiction

BATON ROUGE, La., June 5.—Separate facilities for white and negro patrons now are required for all motor bus and street car lines in Louisiana under jurisdiction of the state's public service commission.

Louisiana's "Jim Crow" law, adopted in 1890, applies only to railroad coaches. Buses were not mentioned because there were no buses in those days.

In a resolution, the public service commission points out it was the intention of the law to segregate the races in all public conveyances and this intent has been "tacitly" understood by all.

However, recent complaints, the commission said, prompted a formal resolution requiring "equal but separate accommodations, . . . by providing separate vehicles or separate compartments on each vehicle, or by dividing the vehicle by a partition or a readily legible sign indicating such partition; and . . . at all stations equal but separate waiting rooms or space, and separate ticket windows."

Thibodaux, La. Lafourche Comet
June 15, 1939

State "Jim Crow" Also For Busses.

Baton Rouge, La., June 8.—Separate facilities for white and negro patrons now are required for all motorbus and street car lines in Louisiana under jurisdiction of the state's public service commission.

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each vehicle or by dividing the vehicle by a partition or a readily legible sign indicating such partition, and . . . at all stations equal but separate waiting rooms or space and separate ticket windows."

West Monroe, La. Citizen
June 16, 1939

Bus Lines Ordered To Segregate White And Negro Riders

Complaints Are Received by
Commission of Non-
Enforcement

The Louisiana public service commission has reminded all bus lines of its rules requiring segregation of white and negro passenger and ordered them to obey them more strictly.

P. A. Frye, commission secretary, said the action followed complaints from over the state that the rules were not being observed satisfactorily.

Columbia, La. Caldwell Watchman
June 16, 1939

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Tallulah, La. Journal
June 16, 1939

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plaints from over the state that the rules were not being observed satisfactorily.

L & N To Replace Delapidated Coaches

By LEON LEWIS

NEW ORLEANS—(ANP)—Louisville and Nashville railroad officials consented to replace the present wooden coaches of the coast with steel, air-conditioned cars, before the Louisiana Public Service commission last week.

The hearing was asked by Gulf coast residents and others who charged that the present wooden coaches are unsafe, and that the line's equipment, generally, on the run, is unsanitary.

After having argued that the facilities were not sanitary, and that they were safe, the L. & N. counsel stated that "if, with the care the cars are given, they are as dirty as complainants claim perhaps the passengers themselves might profitably refrain from bad habits conducive to uncleanness."

Negroes look to this case with a great deal of hope that throughout the South they have been recipients of "inferior and unsanitary service in jim-crow cars and the ruling of the Louisiana commission may set a precedent in improving rail service even on lines that do not have generally, undesirable existences without their services.

Jim-crow cars are generally of an inferior type and unsanitary in the greatest degree of comparison. It may be profitable to not that the most damaging evidence against the L. & N. was given by health officials on the degree of unsanitation.

JIM CROW CARS - 1939

MASSACHUSETTS

SUSPEND BUS OPERATOR

inadian

A complaint was received by Albert G. Wolff, president of Boston Branch National Equal Rights League, that a colored man had been insulted on a bus running from Dudley St. to Allston on April 17, 1939 by the operator of the bus. The operator was reported to have called him a name reflecting on his color and told that the operator would like to have him down South and give him the treatment they give down there. President Wolff immediately wrote a letter of protest to Edward Dana, president of the Boston Elevated Railway Co. Mr. Dana at once investigated and later Mr. Wolff received notice that the operator had been reprimanded and suspended and the company expressed regrets that the incident had occurred.

War On Negro Taxi Drivers Carrying White Passengers

ST. LOUIS, Mar. 30—(Special)—In an "unofficial" war being carried on by officers in the St. Louis police department against Negro taxi drivers carrying white passengers, "Dixie" tactics are appearing as reports are made that efforts are being made to "embarrass" or "persecute" drivers who carry white passengers.

It was shortly before noon, Thursday, March 23, that a taxi pulled away from the curbing in front of the Municipal Courts building, just next to the city hall.

"Where do you think you are going," the red-faced, burly copper shouted as he pulled alongside on his motorcycle, "and didn't you put out your hand?"

"I did put out my hand," the driver politely answered as his arm then extended about as far out of the window as physical conditions would permit, "I have a mirror here and have it arranged at an angle so that I can see what is behind me."

"Humph! Then you put out your arm because you saw me coming up behind you," the officer snarled, "You don't always put out your hand."

"Yes sir, I do," the driver replied, "I always try to be careful."

Then, suddenly, and without another bit of comment, the officer shot on down the street on his motorcycle.

And, according to observers, the whole trouble started because the officer had observed, daintily tripping down the court house steps one of the fair, fair members of the racial group who had entered the taxi she had previously called. She looked white, at least from a distance, but she wasn't and it is apparent that the officer, getting closer, could observe that, beneath her powder, she was distinctly "yellow!"

Other reports come that white passengers have been made to get out of Negro cabs as their drivers are arrested on alleged traffic violations.

Actress To Sue L. & N. Railroad

Atlanta World
Atlanta, Ga.
1-18-39
Lou Swarz Says She Was Refused Meals on Diner

ST. LOUIS. — (ANP) — Humiliated and made ill by being refused service in the dining car of a Louisville and Nashville train while returning from the Zeta Phi Beta boulev in Atlanta to their home in St. Louis, Miss Lou Swarz, prominent school teacher and actress, and her companion, Miss Jessie Housley, have taken their case to a local lawyer who is planning suit against the railway company.

According to both young women, they were compelled to have a doctor treat them at their homes for two days following the incident.

Compelled to buy coach tickets from Atlanta on the Southern, they say they changed trains at

Evansville, Ind., where they took the L. and N. for St. Louis. Although a train butcher boarded the train with sandwiches and coffee, they charge he never came into the colored coach between Atlanta and Evansville.

DENIED SERVICE

When the diner was attached in the morning, they entered the car and were met at the door by the waiter-in-charge, William Frizzar, who informed them, they allege, that under no circumstances could he serve colored and white at the same time nor have them served in the diner, but would serve their breakfast in the colored coach. Knowing they were above the Mason and Dixon line, both women took seats and remained at their tables for more than an hour, they allege. No attention was paid them by the waiters.

At long last one waiter approached and told them he would send their breakfast to them if they would purchase Pullman seats. At a cost of \$6.50 they did so. Breakfast was brought to them, but so long had they been without food and so upset had they been made, that they were not able to retain their food on their stomachs after eating.

CONSULT LAWYER

When the train entered Illinois, they attempted to get some luncheon, but were met with the same firm refusal and allege they were told by the waiter-in-charge that when all the whites had finished, he would come for them, but he could not serve them while whites were on the diner.

He returned to their seats in the Pullman about 11:30 and told them they could be served now, but since the train was due in St. Louis at 11:53, they advised him they would not be able to rush their luncheon and finish by the time they arrived in St. Louis.

They consulted their lawyers after being treated for their illness by a doctor.

As a result of the Gaines decision in the same state, it is expected some definite action will be taken in this case.

Missouri Pacific Railroad Promised Improved Service For Negro Patrons

Tuskegee, Oct. 13 (ANP)—In response to a complaint made by Albon L. Holsey, secretary of the National Negro Business League, that inadequate toilet facilities for Negro patrons were available on one of the main lines of the Missouri Pacific railroad, T. D. Moss, assistant general passenger agent, after an investigation, states:

"I am pleased to advise that our investigation has now been completed, and the proper corrective measures taken to definitely eliminate future complaints of this type.

"We are, of course, grateful to you for having called this matter to our attention as your letter was the means of our making a needed service improvement."

In his letter of complaint, Mr. Holsey stated that on a coach trip on August 16, between Houston and Little Rock, he observed that only one toilet was available for eight colored women and nine colored men who were passengers.

Two White Girls Foil Bus Jim Crow

White Passenger Balks Driver

In Attempt To Jimcrow Negroes

NEW YORK (CNA)—An attempt to jim-crow two Negro passengers on a bus leaving out of New York for points South, was foiled last week, by the angry intervention of two white workers, who outsmarted the bus driver and defied him to do anything about it. The bus is operated by the Pan-American Bus Line, which uses the All-American Bus Terminal at 42nd Street, between Seventh and Eighth Avenues.

When Sol Payne, a Crusader News Agency reporter, presented his ticket to the driver, he was barred from entering the bus and told "there's a mistake in the chart, you will have to wait outside." Meanwhile, white passengers were being freely passed on presentation of their tickets.

A few minutes later, another Negro passenger, Miss Geraldine Gibbs, showed up and was subjected to the same humiliating treatment.

Girls Take Tickets

At this point, two white girls, Jeanette Cohen, a CNA reporter, and Jean Mels who had gone to see Payne off, took the tickets of the two Negro passengers, presented them to the bus driver and were promptly directed to the seats called for on the tickets.

The two girls then called to Payne and Miss Gibbs to "come and get your seats." The driver, Carson, then attempted to put all four off the bus. As the bus pulled out, the two Negro passengers were still occupying the seats called for on their tickets.

The next day, Miss Cohen, acting on behalf of the CNA, lodged a vigorous protest with Mr. Hunter, white Southern manager of the bus company, against the attempted jim-crowism. Hunter admitted that jim-crowism was an official policy of his company exercised, he declared, to "save Negroes the embarrassment" of having to change to rear seats at Washington. He professed himself "unable to see" that it was a humiliation and insult to the Negro people.

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When Sol Payne, a Crusader News Agency reporter, presented his ticket to the driver, he was barred from entering the bus and told "there's a mistake in the chart, you will have to wait outside." Meanwhile white passengers were being freely passed on presentation of their tickets.

A few minutes later, another Negro passenger, Miss Geraldine Gibbs, showed up and was subjected to the same humiliating treatment.

At this point, two white girls, Jeanette Cohen, a CNA reporter, and Jean Mels who had gone to see Payne off, took the tickets of the two Negro passengers, presented them to the bus driver and were promptly pointed to the seats called for on the tickets. The two girls then called to Payne and Miss Gibbs to "come and get your seats." The driver, Carson, then attempted to put all four off the bus, but was met with the united defiance of the two Negro and two White workers. As the bus pulled out, the two Negro passengers were still occupying the seats called for on their tickets.

The next day, Miss Cohen, acting on behalf of the CNA, lodged

toosevelt Dickey, Cecelia Ward, and so many others!

The table was decorated with dozens of white roses, and, autumn flowers and these were surrounded by white gardenias scattered in leis form around the centerpiece. This pure white touch, plus the red of the hearts atop everyone's head, made a picturesque scene. The perfect menu didn't diminish, in the least, the healthy appetites which all of

Bus Line Segregates to "Prevent Embarrassment"

10-7-39
NEW YORK—The New York manager of the Pan-American Bus Line admitted, last week, that segregation on the line's buses out of New York is the prevailing policy of the company "to save colored people the embarrassment" of having to change seats at Washington, and declared that he was unable to see that such a policy is an insult to colored people.

The manager was interviewed by Miss Jeanette Cohen, white, who, with Miss Jean Mels, also white, had thwarted an attempt of a Pan-American bus driver to segregate Sol Payne, CNS reporter, and Miss Geraldine Gibbs on a southbound bus, last week.

Mr. Payne and Miss Gibbs were refused permission to board the bus on presentation of their tickets, the driver stating there had been some "mistake" made. Misses Cohen and Mels took the same tickets and were readily assigned to the seats called for by the tickets. whereupon they called the pair to get their seats

Asks \$5,000

Carolina Woman Says Engineer Stopped Train Too Far From Station

SMITHFIELD, N. C., Aug. 10 — (ANP)—Mrs. Pauline Suler Woodward filed suit for \$5,000 against the Atlantic Coastline Railroad on Thursday for injuries suffered the night of March 21 while riding from Goldsboro to Fremont where she taught school.

Mrs. Woodward claims the train stopped 800 feet from the station for her get off in the dark and that since no attendant furnished light she tripped and fell against a standing freight car, injuring her leg and arm.

KNOCKED DOWN BY PASSENGER FROM ALABAMA

**Claims She Was Jailed
Without Cause Due
To Driver**

brought by company employees. Without being given a chance to get a lawyer, she was tried, found guilty and forced to serve more than a month at hard labor in the workhouse.

CLEVELAND, O., (ANP)—A suit for \$50,000 damages, filed here Wednesday by Attorney Alexander H. Martin, for Gertrude Herndon, 21 years, revealed the brutal and inhuman treatment suffered by Miss Herndon at the hands of a white gentleman of the South.

According to the petition Miss Herndon alleges that on September 20, last, here in Cleveland, she purchased a bus ticket to Alabama. On Sept. 26, through the Greyhound Line she bought a ticket at Tuscaloosa, Ala., boarded a bus at Calbert, Ala., changed at Birmingham to another Greyhound bus.

At that point the trouble started. The driver of the Birmingham bus not only refused to give her a seat, but refused to return her ticket so she could get another bus into Nashville. While demanding that the bus driver give her back the ticket, a white male passenger, weighing about 250 pounds told the driver to "put her off the basket."

Knocked Down

The petition then alleges that Miss Herndon told the driver to stop the man from molesting her. Then, without warning the "white gentleman" struck Miss Herndon, who weighs only 100 pounds, full in the face and with such force she was knocked out of the bus and to the station floor. The passenger, she says, then kicked her about the face, head and body. All this time, the driver she alleges, urged the man on and made no attempt to aid her. Her screams finally attracted a number of persons and after the passenger stopped beating her another company attendant told her: "Shut up, or you'll get another beating."

Then, adding insult to injury, and apparently in an effort to "scare her" into not suing the company, she was arrested on charges of disorderly conduct

Others Follow Mitchell's Lead In Rail Jim Crow Fight

Texan Forced To Move To Baggage Car, Sues

CHICAGO—(ANP) Following the commendable example of Chicago's U. S. Representative Arthur W. Mitchell in fighting Jim Crow practices of railroads in Southern states, *Henry Turner* in different sections of the country last week filed suit for damages against railroads for violation of their rights as American citizens.

In Houston, Texas, *W. L. Davis*, civic, fraternal and educational leader and principal of Harper Junior High School, filed suit in District Court for \$5,000 damages against the Burlington and Rock Island railroads for forcing him to ride in a baggage car en route, Houston, Texas.

HELD ROUND TRIP TICKET Davis said he held a round trip ticket, that he boarded the Texas Rocket and took a seat in the section he believed reserved for colored passengers. Soon after the train left Houston he was told by a train official he was in the "white" car, that there were no accommodations or colored on the Rocket and that he would have to move forward to the baggage car which also houses the Diesel power plant that propels the streamlined train.

Davis says the baggage car was filled with crates, barking dogs and other paraphrenalia. His suit marks the second against the railroads by colored passengers. Mrs. Majorie Stewart Joyner, president National Beauticians' League threatened suit for being made to ride in a baggage car containing a corpse, while en route, Houston to Tulsa, Okla. Later, through her attorney Mrs. Joyner said she had accepted a settlement (amount undisclosed), out of court and that the suit had been dropped.

SUES FOR \$50,000

Last week, here in Chicago, suit for \$50,000 damages was filed against the Santa Fe Railroad and the Pullman Company by Car Hansberry, who charges he contracted illness and suffered humiliation when forced to ride Jim Crow, en route from Kansas City to Arkansas City, Kansas. He said he had purchased a first class ticket from Chicago to Ardmore, Okla., home of the late Willy Roger, famed comedian.

Hansberry is former president of the Chicago Branch NAACP, a prominent realtor and apartment house owner. About a year ago he purchased a home in the "white" section of Woodlawn and immediately became the target of law suits filed to prevent his occupancy of the property. Basis of the suit was the "restrictive covenant" clause of deeds to property of that district, which specifies that the property shall not be sold to Negroes.